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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,235	05/31/2001	Jean-Louis Baffier	50277-1511	2420

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EXAMINER

LE, MIRANDA

ART UNIT PAPER NUMBER

2167

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/872,235	Applicant(s) BAFFIER ET AL.	
	Examiner Miranda Le	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/29/04, 11/12/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet</u> . |

Continuation of Attachment(s) 6). Other: IDS# 02/07/05, 05/16/05, 11/17/05.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/30/05 has been entered.

2. This communication is responsive to Amendment, filed 09/30/05.

Claims 1-70 are pending in this application. Claims 1, 36 are independent claims. In the Amendment, claims 1, 36 have been amended, no claims have been added, or cancelled. This action is made non-Final.

Information Disclosure Statement

3. Applicants' Information Disclosure Statement, filed 10/29/2004, 11/12/2005, 02/07/2005, 05/16/2005, 11/17/2005 have been received, entered into the record, and considered. See attached form PTO-1449.

The information disclosure statement filed on 09/22/03 has not been considered because publishing data is missing.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-21, 25-34, 36-56, 60-69 are rejected under 35 U.S.C. 102(e) as being anticipated by Malik et al. (US Patent No. 6,842,782).

Malik anticipated independent claims 1, 36 by the following:

As to claims 1, 36, Malik teaches a method for provisioning databases for users on a network, the method comprising the steps of:

a first party (i.e. ISP 15, col. 6, line 19) managing (i.e. mass storage repository 29, col. 6, line 21) one or more database systems (col. 6, lines 6-59);

a plurality (i.e. user, col. 7, line 6) of second parties subscribing to database services (i.e. a subscribing user operating an Internet-capable appliance, such as appliance 17, connects to Password-All Portal system 11 hosted by ISP 15, col. 7, lines 5-7) supported by the one or more database systems managed by the first party, wherein the database services include services for storing and managing data provided by (i.e. a user's profile, col. 8, lines 19-20) the second parties (col. 6, lines 6-59, col. 7, lines 5-59, col. 8, lines 3-49); and

providing over the network, to database applications controlled by the second parties, access to the database services to which the second parties are subscribed (i.e. a network of individuals, perhaps business owners, authorized co-workers, investment

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parties, or the like may share one application. In this way, system 11 may be adapted for private individuals as well as business uses, col. 7 line 60 to col. 8, line 3),

wherein the database applications, controlled by the second parties (i.e. each list 34 is built, configured and maintained by a subscribing user or users, and an editing facility is also provided wherein a user may edit and update listings, including changing URL's adding and deleting listings, and the like, col. 7, lines 3-18, col. 6, lines 6-59, col. 7, lines 5-59, col. 8, lines 3-49), interact with the database systems managed by the first party by sending, from the second parties, (i.e. In this embodiment, control panel 117 represents an installable application, which would be installed as a permanent program on an appropriate computer connected to a receiving server, or on the receiving server accessible by a connected computer. In another embodiment, control panel 117 maybe provided installed in a separate server, which is accessed over the Internet by knowledge workers of cobrand prospects, col. 15, lines 22-38), to the database systems, over the network, database commands that conform to the database language supported by the database system (i.e. system 11 may be adapted for private individuals as well as business uses, col. 8, lines 1-2, col. 15, line 1 to col. 16, line 26);

wherein execution of the database commands allows the second parties to manipulate (i.e. Control panel 117 contains all of the functions required in order to successfully create, configure, and implement a cobrand-service, col. 15, lines 22-38) data objects stored within at least one of the one or more database systems (col. 15, line 1 to col. 16, line 26) , and

wherein the second parties control the source code of the database applications (i.e. A save function, labeled as such, is provided within tool bar 121 and adapted to

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enable a knowledge worker to save completed works. A submitted function, labeled as such, is provided within two or 121 and adapted to enable a knowledge worker to submit a completed cobrand package to a service-providing company. A cobrand workspace 125 is provided within cobrand window 119 and adapted as a workspace for generating HTML pages, testing various functions, and so on, col. 16, lines 7-15) that the second parties use the send database commands to the database management systems managed by the first parties.

As to claims 2, 37, Malik teaches at least one of said second parties in an application service provides application services to a plurality of third parties (i.e. a network of individuals, perhaps business owners, authorized co-workers, investment parties, or the like may share one application. In this way, system 11 may be adapted for private individuals as well as business uses, col. 7 line 60 to col. 8, line 3, col. 6, line 6 to col. 7, line 24, col. 7, line 60 to col. 8, line 67);

the step of providing access to the database services includes providing database services to an application used by said application provider to provide said application services to said third parties (col. 6, line 6 to col. 7, line 24, col. 7, line 60 to col. 8, line 67).

As to claims 3, 38, Malik teaches receiving over said network a request to perform a database management operation from a user associated with particular second party of said plurality of second parties (col. 7, line 25 to col. 8, line 67);

responding to said request by performing said database management operation on one or more databases controlled by said first party without human intervention by said first party (col. 7, line 25 to col. 8, line 67).

As to claims 4, 39, Malik teaches wherein the one or more database systems are implemented on a set of database devices that include a plurality of database appliances, a database appliance comprising database software and non-database software tailored to the needs of the database software (col. 13, line 38 to col. 14, line 67, col. 15, line 22 to col. 16, line 64).

As to claims 5, 40, Malik teaches wherein the step of providing access over a network includes providing access over a public network of computer networks (col. 6, lines 6-59).

As to claims 6, 41, Malik teaches wherein the step of performing the database management operation involves allocating a different amount of resources to said particular second party than is currently allocated for said particular second party (col. 6, lines 6-59).

As to claims 7, 42, Malik teaches the step of delivering to a party over the network one or more messages which cause generation of user interfaces that allow the party to subscribe to said database services provided by said first party (col. 8, lines 35-67, col. 15, line 1 to col. 16, line 59).

As to claims 8, 43, Malik teaches wherein the user interfaces contain controls for specifying user profile information, payment information, and selection of database services (i.e. the exact implementation of individual responsibility with respect to registration and billing will depend on the nature of agreement between the participating companies. There are many possibilities. More detail about a cobrand control panel will be provided below, col. 15, lines 1-21).

As to claims 9, 44, Malik teaches the step of delivering to a party over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that allow the user to access a database for a database service to which said one of said second parties has subscribed (col. 8, lines 35-67, col. 15, line 1 to col. 16, line 59).

As to claims 10, 45, Malik teaches wherein the first party also provides database application over said network; and the method further comprises the step of delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that allow the users to access a database application service to which said one of said second parties has subscribed (col. 15, line 1 to col. 16, line 59).

As to claims 11, 46, Malik teaches the step of delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that allow the user to indicate changes to at least one of

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profile information, payment information, and the selection of services to which said one of said second parties is subscribed (col. 8, lines 35-67, col. 15, line 1 to col. 16, line 59).

As to claims 12, 47, Malik teaches delivering over the network, to a user associated with one of said second parties, one or more messages, which cause generation of user interfaces that allow the user to supply contents for a subscribed database (col. 8, lines 35-67, col. 15, line 1 to col. 16, line 59).

As to claims 13, 48, Malik teaches delivering over the network, to a user associated with one of said second parties, one or more messages, which cause generation of user interfaces that allow the user to develop a new database application (col. 8, lines 35-67, col. 15, line 1 to col. 16, line 59).

As to claims 14, 49, Malik teaches comprising the step of delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that allow the user to integrate an external service (col. 8, lines 35-67, col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62).

As to claims 15, 50, Malik teaches further comprising the step of delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that present a status of a user subscribed

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resources selected from database resources managed by said first party (col. 8, lines 35-67, col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62).

As to claims 16, 51, Malik teaches the step of delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that present the user with a user-selectable representation of a wizard for building a Web page with a database component associated with an interface to a database receiving user input indicating the wizard (col. 8, lines 35-67, col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62);

executing said wizard, including presenting a series of screens to the user to prompt user input for building the Web page (col. 8, lines 35-67, col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62).

As to claims 17, 52, Malik teaches the step of the first party updating the one or more database systems by receiving from a community server over the network an update to the one or more database systems, wherein the community server provides the update to plurality of service providers over said network (col. 8, lines 35-67, col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62).

As to claims 18, 53, Malik teaches the step of the first party sending to a community server a status of a user subscribed resources, wherein the user subscribed resources is maintained by said first party (col. 8, lines 35-67, col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62).

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As to claims 19, 54, Malik teaches further comprising presenting to a user associated with said first party a user interface to allow said first party to configure a database device used to provide said database services as one of a dedicated device and a plurality of virtual devices (col. 8, lines 35-67, col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62).

As to claims 20, 55, Malik teaches further comprising presenting to a user associated with said first party a user interface to allow said first party to configure at least one of a dedicated device, and a virtual device of plurality of virtual devices as one of a staging device available only to a database service developer for developing database services, and a production device for making services available to a user who is not the database service developer (col. 8, lines 35-67, col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62).

As to claims 21, 56, Malik teaches further comprising presenting a user interface for transferring an application from a staging device to a production device (col. 8, lines 35-67, col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62).

As to claims 25, 60, Malik teaches presenting to the user a set of selectable sources of content;

receiving user input indicating a selected source (col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62);

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launching a source update process to connect to the selected source and update a database with information received from the selected sources (col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62);

receiving user input indicating a selected source (col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62);

launching a source update process to connect to the selected source and update a database with information received from the selected sources (col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62);

As to claims 26, 61, Malik teaches the user input indicating a selected source also indicates a schedule for updating from the selected source;

the source update process connects to the selected source according to the schedule for updating from the selected source (i.e. Additional interactivity provided by portal software 35 allows a connected user to search his listed pages for information associated with keywords, text strings, or the like, and allows a user to program user-defined tasks involving access and interaction with one or more Internet-connected servers such as servers 23, 25, and 27 according to a pre-defined time schedule. These functions are taught in enabling detail below, col. 7, line 16-24), (col. 7, line 4 to col. 8, line 67).

As to claims 27, 62, Malik teaches in response to user input that specifies that data should be loaded into a subscribed database, determining whether the subscribed

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database currently exists for said one of said second parties (col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62);

creating the subscribed database if the subscribed database does not currently exist for said one of said second parties (col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62).

As to claims 28, 63, Malik teaches a staging database device can be accessed by the user for developing the new database application and cannot be accessed by users associated with other parties of said plurality of second parties;

receiving development input from the user (col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62);

building a new application on the staging database device based on the selected development kit and the development input (col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62);

presenting representations of selectable application development kits (col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62);

receiving user input indicating a selected development kit from the user (col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62);

launching a staging process including configuring consumable database resources on a staging database device (col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62);

As to claims 29, 64, Malik teaches the step of developing the new database application further comprising the steps of after receiving user input indicating a selected development kit, determining whether a client process of the selected development kit must be downloaded to a computer of the user over the wide area network (col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62);

if it is determined the client process of the selected development kit must be downloaded, downloading the client process to the computer of the user over the wide area network before the step of building the new application (col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62).

As to claims 30, 65, Malik teaches the step of developing a new database application further comprising the steps of receiving input from the user indicating the new application is ready for operational use;

in response to receiving input from the user indicating the new application is ready for operational use, launching a production transfer process including sending a request to the first party to transfer the new application to a production device on which the new application may be accessed by users who did not develop the new application (col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62).

As to claims 31, 67, Malik teaches the step of integrating comprises the steps of presenting a representation of a selectable external service;

receiving user input indicating a selected external service (col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62);

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launching an integration process to provide the external service to the user (col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62).

As to claims 32, 67, Malik teaches the selectable external service includes at least one of a payment service (col. 15, lines 1-21).

As to claims 33, 68, Malik teaches the first party performing at least one of the steps of: setting up database parameters; reporting database usage; backing up the database, upgrading the database, controlling database versions, implementing database security; implementing database security within the database (col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62).

As to claims 34, 69, Malik teaches if a costing database does not already exist, then automatically creating the costing database of database resource usage by user, and initiating a costing model with price per unit of consumable resource per service;

inserting data into the costing database based on actual use of database resources by the user (col. 15, lines 1-21);

executing the costing model to compute a cost-per-user based on the data in the costing database and the price per unit of consumable resource per service (col. 15, lines 1-21);

billing the user for the cost computed by the costing model (col. 15, lines 1-21).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 22-24, 35, 57-59, 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik et al. (US Patent No. 6,842,782), in view of Hokanson et al. (US Patent No. 6,094,680).

As to claims 22, 57, Malik teaches wherein the step of delivering to a party over the network one or more messages which cause generation of user interfaces that allow the party to subscribe to said database services is performed as part of a registration process (col. 8, lines 35-67, col. 15, line 1 to col. 16, line 59, col. 18, line 36 to col. 19, line 62).

Malik does not explicitly teach the step of presenting an alert if an amount of subscribed resources consumed by said party exceeds a threshold percentage of the maximum amount of subscribed resources. Hokanson teaches this limitation at col. 10, line 36 to col. 11, line 53.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references because Hokanson's teaching of all the addressed limitations above would have allowed Malik's users to facilitate user access to the network, to allocate the resources among the network sites to make the resources available to the users against the cost associated with making the resources available to the users.

As to claims 23, 58, Hokanson teaches the steps of receiving a user input value for a particular threshold percentage (col. 10, line 36 to col. 11, line 53);

presenting an alert if an amount of resources consumed by said party exceeds the particular threshold percentage of the maximum amount of subscribed resources (col. 10, line 36 to col. 11, line 53).

As to claims 24, 59, Hokanson teaches the maximum amount of subscribed resources includes a maximum amount of at least one of an amount of storage space, a number of users connected to a platform in a period of time, an amount of processor time used in a period of time, and a number of transactions completed in a period of time (col. 10, line 36 to col. 11, line 53).

As to claims 35, 70, Malik teaches the costing model supports: fixed price per unit of usage (col. 6, line 24-37);

variable price per unit usage as a function of usage (col. 15, lines 1-21);

different prices for different users (col. 15, lines 1-21);

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different prices for different services (col. 15, lines 1-21);

Malik does not explicitly teach the following limitations. Hokanson teaches:

flat price up to a maximum value of usage (col. 10, line 36 to col. 11, line 53);

different prices for increments of usage above a maximum subscribed usage (col. 10, line 36 to col. 11, line 53).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references because Hokanson's teaching of all the addressed limitations above would have allowed Malik's users to facilitate user access to the network, to allocate the resources among the network sites to make the resources available to the users against the cost associated with making the resources available to the users.

Response to Arguments

8. Applicant's arguments regarding Hitchcock does not disclose "the second parties control the source code of the database applications that the second parties use to send database commands to the database management systems managed by the first parties" with respect to amended claims 1, 36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112.

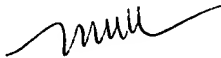
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The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

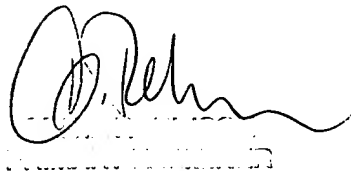
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean Homere, Esq., can be reached on (571) 272-3780. The fax number to this Art Unit is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Miranda Le
December 21, 2005


D. Kehn